



Log # 2024-0003973

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 10, 2024, the Civilian Office of Police Accountability (COPA) received a complaint from [REDACTED] relative to alleged misconduct by members of the Chicago Police Department (CPD).² [REDACTED] complained that officers unlawfully stopped her vehicle while she was driving in the early hours of the morning, forcibly removed her from the vehicle and handcuffed her, unlawfully searched and damaged the vehicle, searched her purse that was located inside of the vehicle, and an officer directed profanity at her.

COPA investigated the matter and sustained the allegations regarding an officer's use of profanity, the search of the vehicle, and the use of handcuffs against a cooperative and non-threatening member of the public during an investigatory stop. COPA also served and sustained an additional allegation regarding a failure to report gun a pointing incident against one of the involved officers.

II. SUMMARY OF EVIDENCE³

The incident involved a chaotic scene, outside at midnight on a springtime Friday night, involving numerous members of the public and CPD members. CPD was responding to a homicide. The CPD response turned into a crowd control incident. A "10-1" call (police officer requires emergency assistance) was put out over the radio, causing a large number of officers to converge on the scene in an uncoordinated manner. A member of the crowd ([REDACTED]) engaged in a physical confrontation with officers. He was later located inside [REDACTED] vehicle.⁴

The Event Query Report for the incident showed that CPD was seeking to detain an individual wearing a green outfit and a black hood who had been involved in the battery of a police officer as part of the earlier crowd control incident, and that person was believed to be a passenger in [REDACTED] vehicle. When [REDACTED] vehicle was stopped, this individual ([REDACTED]) was arrested.⁵ [REDACTED] was detained in handcuffs for approximately six minutes and her vehicle was searched as part of the stop.

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² The complaint was received by telephone.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, and interviews.

⁴ Att. 11.

⁵ Att. 18

III. ALLEGATIONS

On May 10, 2024, at approximately 2:00 a.m., at or near 1500 South Saint Louis Avenue, Chicago, IL 60623 it is alleged that misconduct was committed by the following officers:

Officer Natalie Vera

1. Conducting a traffic stop of [REDACTED] vehicle, without justification.
- Unfounded
2. Assisting in the forcible removal of [REDACTED] from her vehicle, without justification.
- Unfounded
3. Assisting in the detention of [REDACTED] and placing her in handcuffs, without justification.
- Unfounded
4. Using profanity toward [REDACTED] by stating words to the effect, “*Get out of the car. Get out of the fucking car.*”
- **Sustained** in violation of Rules 2, 3, 6, 8, and 9.
5. Searching [REDACTED] vehicle, without justification.
- **Sustained**; in violation of Rules 2, 3, and 6
6. Searching [REDACTED] purse located inside of her vehicle, without justification.
- Not Sustained
7. Damaging the weatherstripping of [REDACTED] vehicle, without justification.
- Not Sustained

Officer Evelyn Ruiz

1. Forcibly removing [REDACTED] from her vehicle, without justification.
- Unfounded
2. Detaining [REDACTED] without justification.
- Exonerated
3. Handcuffing [REDACTED] without justification.
- **Sustained**, in violation of Rules 2 and 3.

Officer Estafany Ramos

1. Detaining [REDACTED] without justification.
- Exonerated
2. Searching [REDACTED] vehicle, without justification.
- Not Sustained

Officer Conrad Kulik

1. Searching [REDACTED] vehicle, without justification.
- **Sustained**, in violation of Rules 2, 3, and 6.

Officer Cole Frain

1. Searching [REDACTED] vehicle, without justification.
- **Sustained**, in violation of Rules 2, 3, and 6.

Officer Damian Alfaro

1. Conducting a traffic stop of [REDACTED] without justification.
- Exonerated
2. Detaining [REDACTED] without justification.
- Exonerated
3. Conducting a traffic stop of [REDACTED] at gunpoint, without justification.
- Not Sustained
4. Failing to notify OEMC of the gun pointing incident, as required, without justification.
- **Sustained**, in violation of Rule 6

Officer Yanni P. Melidones

1. Conducting a traffic stop of [REDACTED] without justification.
- Exonerated
2. Detaining [REDACTED] without justification.
- Exonerated

Officer Fernando D. Toledo

1. Forcibly removing [REDACTED] from her vehicle, without justification.
- Unfounded
2. Handcuffing [REDACTED] without justification.
- **Sustained**, in violation of Rules 2, and 3.
3. Detaining [REDACTED] without justification.
- Exonerated

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements. There was no substantial dispute as to the underlying facts. [REDACTED] made allegations that were not supported by the BWC evidence, but COPA attributes that to a difference in perception rather than an attempt to deceive.

V. ANALYSIS⁶

The traffic stop and detention of [REDACTED] were lawful, by clear and convincing evidence.

The officers had probable cause to believe that the vehicle contained the subject described in the OEMC report⁷ who had earlier head-butted Officer Alfaro.⁸ Police officers are permitted to

⁶ For a definition of COPA's findings and standards of proof, see Appendix B.

⁷ Att. 18

⁸ Att. 3 at 04:35; Att. 82, Pg. 14, Lns. 15 to 22.

conduct brief investigatory stops of people where there is an objectively reasonable basis to believe that the person is committing, is about to commit, or has committed a criminal offense.⁹ Officers must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant their belief.¹⁰ An investigatory stop must be justified at its inception and the officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant the governmental intrusion upon the constitutionally protected interests of the private citizen.¹¹ As the driver of a vehicle from which a subject had been removed and arrested for an aggravated battery of a police officer, it was reasonable for the responding officers to detain the driver, [REDACTED] until such time that she could be ruled out as a potential threat or an accomplice in other criminal activity. Therefore, Allegation 2 against Officer Ruiz, Allegation 1 against Officer Ramos, Allegations 1 and 2 against Officers Alfaro and Melidones, and Allegation 3 against Officer Toledo are Exonerated.

On the other hand, Officer Vera arrived on scene after officers stopped [REDACTED] vehicle, so she was not involved in the initial stop.¹² Therefore, Allegation 1 against Officer Vera is Unfounded.

Officers did not forcibly remove [REDACTED] from her vehicle, by clear and convincing evidence.

Although [REDACTED] alleged that officers forcibly removed her from her vehicle, BWC footage showed that Officer Toledo opened the driver's side door to [REDACTED] vehicle and instructed her to exit, which she did without the need for any force to be applied.¹³ Officer Vera also participated in the verbal instruction but did not place her hands on [REDACTED]. Officer Ruiz arrived on scene after [REDACTED] got out of her vehicle and did not participate in the verbal direction. Therefore, Allegation 2 against Officer Vera and Allegation 1 against Officers Ruiz and Toledo are Unfounded.

Officers Ruiz and Toledo handcuffed [REDACTED] without justification.

Once Havey was out of her vehicle, Officers Ruiz and Toledo handcuffed her.¹⁴ As a general matter, without some articulable facts to make the use of handcuffs reasonable in the circumstances, handcuffs should generally not be employed during an investigatory stop.¹⁵ Handcuffs are improperly applied during an investigatory stop as a prophylactic measure.¹⁶

⁹ S04-13-09, at subsection II.C.1.

¹⁰ *Id.*

¹¹ *People v. Timmsen*, 2016 IL 118181 at ¶9 (quoting Terry, 392 U.S. at 20-21).

¹² See Att. 5, BWC of Officer Vera, at 06:07 and 06:10.

¹³ See Att. 10, BWC of Officer Toledo, 02:43 to 02:48.

¹⁴ See Att. 6, BWC of Officer Ruiz, at 05:39; Att. 10, BWC of Officer Toledo, at 02:58.

¹⁵ Handcuffing is the type of action that may convert an investigatory stop into an arrest because it heightens the degree of intrusion and is not generally part of a stop. *People v. Wells*, 403 Ill.App.3d 849, 857 (1st Dist. 2010); *People v. Delaware*, 314 Ill.App.3d 363, 370, 731 N.E.2d 904, 911 (2000); *People v. Tortorici*, 205 Ill.App.3d 625, 628 (3rd Dist. 1990).

¹⁶ "The use of handcuffs substantially heightens the intrusiveness of a temporary detention and 'is not part of a typical Terry stop'. The Seventh Circuit has called 'troubling' the prospect of police officers handcuffing persons whom they have no probable cause to arrest. Nevertheless, there are situations in which concerns for the safety of the police officer or the public justify handcuffing the detainee for the brief duration of an investigatory stop...However, 'when arrest-

When officers take measures such as handcuffing a suspect, they must be reasonable in light of the circumstances that prompted the stop, or that developed during its course.¹⁷ To handcuff a person, officers must have a sufficiently reasonable concern for officer safety.¹⁸ Whether or not an officer's application of handcuffs to a member of the public during an investigatory stop was reasonable depends on the totality of the circumstances.¹⁹ Officers must be able to articulate a reasonable suspicion that their safety is in danger.²⁰

Officer Ruiz indicated in her statement to COPA that the use of handcuffs on ██████ was prophylactic: "The subject in the passenger seat was wanted for battery to PO; so I took it upon myself to be cautious of the situation, in which I proceeded to handcuff her in fear of officer safety."²¹ Officer Ruiz also indicated concern that ██████ might flee the scene. Officer Ruiz explicitly states that she did *not* have reason to believe that ██████ was armed and dangerous.²² As such, the use of handcuffs by Officer Ruiz is not here justified merely out of an abundance of caution because in the absence of sufficient justification, the application of handcuffs involves a contravention of an individual's rights. Without legal justification, the application of handcuffs to ██████ in these circumstances constitutes an aggravated battery on the part of the involved officers.²³

In his statement to COPA, Officer Toledo said he did handcuff ██████ because it was a 10-1 incident involving a battery to a police officer and he did not know if ██████ was involved in the battery. He also said it was for the safety of the officers and others, without providing any further details.²⁴ Officer Toledo's justification for the use of handcuffs was insufficient in the circumstances. Further, Officer Toledo confirmed that ██████ was both cooperative and that she did not appear to be armed and dangerous.²⁵ COPA sustains the allegation against Officer Toledo regarding the unjustified use of handcuffs on ██████

Therefore, Allegation 3 against Officer Ruiz and Allegation 2 against Officer Toledo are Sustained. BWC footage clearly depicts the incident and Officer Vera did not assist in handcuffing ██████ so Allegation 3 against Officer Vera is Unfounded.

Officer Vera improperly directed profanity toward ██████

like measures (such as handcuffing) are employed, they must be 'reasonable in light of the circumstances that prompted the stop or that developed during its course.'" *People v. Arnold* 394 Ill. App. 3d 63 (Ill. App. Ct. 2009) (citations omitted).

¹⁷ *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2nd Dist. 2009).

¹⁸ See *People v. Johnson*, 408 Ill. App. 3d 107, 113 (2010), and the cases cited therein.

¹⁹ *People v. Daniel*, 2013 IL App (1st) 111876, ¶ 40, 987 N.E.2d 470.

²⁰ *People v. Wells*, 403 Ill. App. 3d. 849, 857 (1st Dist. 2010) (citing *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2nd Dist. 2009)); see also *People v. Colyar*, 2013 IL 111835, ¶ 46 (citing *e.g.*, *United States v. Glenna*, 878 F.2d 967, 972 (7th Cir. 1989)). Courts weigh factors such as the ratio of officers to persons during the incident, the confirmed or suspected presence of weapons, criminal activity in the neighborhood, and whether officers have reasonable articulable suspicion relating to a violent crime (*People v. Colyar*, 2013 IL 111835, ¶ 32).

²¹ Att. 55, pg. 13, lns. 20-23.

²² Att. 55, pg. 14, lns. 19 to 21.

²³ 720 ILCS 5/12-3.05.

²⁴ Att. 70, pg. 20, lns. 7 to 14. He also said it was for the safety of the officers and others, without providing any further details.

²⁵ Att. 70, pg. 20, ln. 20 to pg. 21, ln. 2.

BWC captured Officer Vera stating words to the effect of, “Get out of the car. Get out of the fucking car.” Officer Vera admitted this conduct in her statement to COPA.²⁶ Multiple CPD rules and directives dictate that CPD members must engage with the community in a respectful manner.²⁷ Officer Vera said she could have used better language but did not provide any justification for her actions. Therefore, Allegation 4 against Officer Vera is Sustained.

Officers Vera, Kulik, and Fraim improperly searched [REDACTED] vehicle.

If officers discover probable cause of a crime during an investigatory traffic stop, they may search the vehicle for evidence related to the crime.²⁸ Under the “automobile exception” to the search warrant requirement, “law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize.”²⁹ The scope of a warrantless search depends on “object of the search and the places in which there is probable cause to believe that it may be found.”³⁰ “When officers have such probable cause, the search may extend to ‘all parts of the vehicle *in which contraband or evidence could be concealed*, including closed compartments, containers, packages, and trunks.’”³¹ However, officers with probable cause to believe a vehicle contains evidence must limit their search the areas where such evidence may be found.³² Officers are not limited to searching the driver’s possessions; “police officers with probable cause to search a car may [also] inspect passengers’ belongings found in the car that are capable of concealing the object of the search.”³³

²⁶ See Att. 69, Pg. 28, Lns. 22 to 24 and Pg. 29, Lns. 1 to 4.

²⁷ See Rule 8 of the Rules and Regulations of the Chicago Police Department; General Order G02-01, Protection of Human Rights (effective June 30, 2022 to present).

²⁸ *People v. Clark*, 92 Ill. 2d 96, 99 (1982) (citing *United States v. Ross*, 456 U.S. 798 (1982)).

²⁹ *People v. James*, 163 Ill. 2d 302, 312 (1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)).

³⁰ *United States v. Ross*, 456 U.S. 798, 824 (1982).

³¹ *United States v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013) (emphasis added) (quoting *United States v. Williams*, 627 F.3d 247, 251 (7th Cir. 2010)).

³² *United States v. Ross*, 456 U.S., 798, 824 (1982) (“Just as probable cause to believe that a stolen lawnmower may be found in a garage will not support a warrant to search an upstairs bedroom, probable cause to believe that undocumented aliens are being transported in a van will not justify a warrantless search of a suitcase”).

³³ *Wyoming v. Houghton*, 526 U.S. 295, 307 (1999).

BWC footage showed that almost immediately after officers removed the passenger from the front passenger seat of [REDACTED] vehicle, Officer Vera began to search the vehicle.³⁴ When they arrived in the area, Officers Fraim and Kulik joined the search. In her statement to COPA, Officer Vera, indicated that she was searching for a potentially concealed firearm for the safety of the officers present during a chaotic situation.³⁵ Officer Kulik told COPA that he was just trying to help the other officers already searching the vehicle when he arrived on the scene. He knew he was responding to a 10-1 call, but he did not know for what the other officers were searching,³⁶ nor the justification for the search. Officer Fraim justified his search to COPA by saying he did not want any members of the large crowd to gain access to that any potential weapon that was in the vehicle.³⁷ Officer Fraim also noted he was a relatively new officer at the time and was following what other officers were doing.

The officers' search extended beyond the area immediately accessible to the driver and included a search of the trunk.³⁸ In the circumstances, there was no testimony or other evidence suggesting that [REDACTED] was dangerous and, in any event, the search of the trunk exceeded any permissible scope of a vehicle pat-down. [REDACTED] had not consented to the search of her vehicle, nor was there a search warrant. A passenger who had allegedly battered a police officer had been removed from the vehicle and was secured by several officers. At that point, probable cause to search the vehicle did not exist, as the offender in custody did not have access to the vehicle.³⁹ There existed no information from the Event Query Report that a firearm was involved in the 10-1 incident.⁴⁰ As such, there was no probable cause, nor exigent circumstances to search the vehicle for a firearm. Therefore, COPA finds Allegation 5 against Officer Vera and Allegation 1 against Officers Kulik and Fraim to be Sustained.

On the other hand, BWC footage showed Officer Ramos reaching into the driver's area of [REDACTED] vehicle for a short period of time. In her statement to COPA, Officer Ramos stated that she was attempting to turn off the vehicle's ignition and that she was not searching the vehicle.⁴¹ This is a plausible explanation and there is insufficient evidence to prove or disprove if there was misconduct in this action. COPA finds Allegation 2 against Officer Ramos to be Not Sustained.

It is not clear if Officer Vera searched [REDACTED] purse or damaged the vehicle.

[REDACTED] alleged that Officer Vera searched her purse.⁴² BWC footage showed that [REDACTED] purse was located on the front seat;⁴³ however, it does not depict Officer Vera searching the purse

³⁴ See Att. 5, BWC of Officer Vera, at 06:21 to 06:36; See Att. 9, BWC of Officer Fraim, at 07:08, 07:34 and 08:11.

³⁵ She ultimately recovered a knife from the vehicle.

³⁶ Att. 66, Pg. 29, Lns. 19 to 22.

³⁷ Att. 74, Pg. 23, Lns. 20-24.

³⁸ Att. 69 at pgs. 20 to 24.

³⁹ *Arizona v. Gant*, 556 U.S. 332, 343-44 (2009).

⁴⁰ Att. 18

⁴¹ Att. 68, Pg. 15, Lns. 1 to 8

⁴² [REDACTED] said the items in the purse were undisturbed. See Att. 35, pg. 34.

⁴³ See Att. 5, BWC of Officer Vera, at 06:36.

and the officer denied it. In her statement, ██████ indicated that the contents of her purse had not been disturbed.⁴⁴ There is insufficient evidence to prove or disprove whether this search occurred, so Allegation 6 against Officer Vera is Not Sustained.

Additionally, ██████ alleged that the weatherstripping in her vehicle was damaged as a result of the search of her vehicle. No documentation related to this alleged damage has been produced. Further, a review of BWC footage of the incident does not reflect that any damage resulted from the search, but does not provide clear evidence that there was no damage. Therefore, Allegation 7 against Officer Vera is Not Sustained.

It is not clear if Officer Alfaro was justified in conducting a traffic stop of ██████ at gunpoint, but he committed misconduct by not reporting a firearm pointing incident.

At the time of the vehicle stop, Officer Alfaro had been the victim of a battery by the subject riding in the passenger seat of ██████ vehicle.⁴⁵ Further, Officer Alfaro had reasonable suspicion to believe that the subject may have been armed from his previous encounter when he was head-butted by the subject, after which the subject made furtive movements indicating that he may have been armed and dangerous.⁴⁶ In the circumstances, and given the chaos occurring in the surrounding area, COPA does not find sufficient evidence to conclude whether Officer Alfano's display of his weapon in the course of effecting the stop constituted misconduct.

Regardless of the justification of pointing a firearm, Officer Alfaro was required to report the firearm pointing incident to OEMC.⁴⁷ He failed to do so, admitted the misconduct in his statement to COPA, and said he will be sure to follow that requirement in the future.⁴⁸ Therefore, Allegation 3 against Officer Alfaro is Not Sustained and Allegation 4 is Sustained.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Natalie Vera

i. Complimentary and Disciplinary History

Officer Vera has been with CPD since November 4, 2022. In that time, she received 27 awards. She received a SPAR in 2024 for court appearance violation that resulted in her receiving a reprimand but no other discipline.⁴⁹

⁴⁴ Att. 35, pg. 34.

⁴⁵ Att. 82, Pg. 14, Lns. 15 to 22

⁴⁶ Att. 82, Pg. 15, Lns. 2 to 4

⁴⁷ D19-01(II)(E), Firearm Pointing Incidents (effective November 1, 2019, to present). Per D19-01 II Section C: When a Department member points a firearm at a person to detain that person a seizure (e.g. investigatory stop or arrest) has occurred and will be documented consistent with existing procedures. Department members will continue to: 1. conduct and document investigatory stops based on reasonable articulable suspicion and probable cause consistent with the Department directive titled "Investigatory Stop System."

⁴⁸ Att. 82, Pg. 20, Lns. 1-10.

⁴⁹ Att. 89, Pg. 1-3.

ii. Recommended Discipline

For Officer Vera, COPA recommends a suspension of 1-29 days and retraining on vehicle searches. In addition to the recommended penalty range, COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. In mitigation, COPA notes Officer Vera's relatively short time with CPD at the time of this incident, her complimentary history, her admission of misconduct in using profanity, and her apparent confusion over the rules governing searches of vehicles.

b. Officer Evelyn Ruiz

i. Complimentary and Disciplinary History

Officer Ruiz has been with CPD since February 28, 2022. In that time, she received 29 awards, including a life saving award. She received three SPARs in 2024 for court appearances, resulting in a reprimand and two one-day suspensions, but no other discipline.⁵⁰

ii. Recommended Discipline

For Officer Ruiz, COPA recommends a suspension of 1-29 days and retraining on when to use handcuffs during an investigatory stop. In addition to the recommended penalty range, COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. In mitigation, COPA notes Officer Ruiz's relatively short time with CPD at the time of this incident and her complimentary history.

c. Officer Conrad Kulik

i. Complimentary and Disciplinary History

Officer Kulik has been with CPD since December 7, 2021. In that time, he received 20 awards, including a Superintendent's honorable mention and a unit meritorious performance award. Officer Kulik received three SPARs in 2024 that resulted in reprimands, two for court appearance violations and one for inventory procedures, but no other discipline.⁵¹

ii. Recommended Discipline

For Officer Kulik, COPA recommends a reprimand and retraining on vehicle searches. In mitigation, COPA notes Officer Kulik's relatively short time with CPD at the time of this incident and his role in the incident being fairly minor. Officer Kulik arrived on scene after the stop was underway and jumped in to help other officers search the vehicle without ascertaining the reason.

⁵⁰ Att. 89, Pgs. 4-6.

⁵¹ Att. 89, Pgs. 7-9.

d. Officer Cole Fraim

i. Complimentary and Disciplinary History

Officer Fraim has been with CPD since February 27, 2023 and was on probation at the time of this incident. He has received 13 awards, including a life saving award, and has no disciplinary history.⁵²

ii. Recommended Discipline

For Officer Fraim, COPA recommends a reprimand and retraining on vehicle searches. In mitigation, COPA notes Officer Fraim's probationary status at the time of this incident and his role in the incident being minor. Officer Fraim was merely following other officers' lead in searching the vehicle.

e. Officer Damian Alfaro

i. Complimentary and Disciplinary History

Officer Alfaro has been with CPD since October 25, 2021. He has received 29 awards, including a life saving award. He received one SPAR in 2024 for a preventable accident, resulting in a reprimand, but no other discipline.⁵³

ii. Recommended Discipline

For Officer Alfaro, COPA recommends a reprimand and retraining on firearm pointing incidents. In mitigation, COPA notes Officer Alfaro's relatively short time with CPD at the time of this incident, his admission of his misconduct in failing to report the firearm pointing incident, and his assertion he would not make the same mistake again.

f. Officer Fernando D. Toledo

i. Complimentary and Disciplinary History

Officer Toledo has been with CPD since December 2, 2022. In that time, he received nine awards. He received three SPARs in 2024 for parking vehicles and preventable accidents, which resulted in two reprimands, but no other discipline.⁵⁴

ii. Recommended Discipline

For Officer Toledo, COPA recommends a suspension of 1-29 days and retraining on when to use handcuffs during an investigatory stop. In addition to the recommended penalty range,

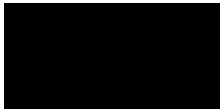
⁵² Att. 89, Pgs. 10-12.

⁵³ Att. 89, Pgs. 13-15.

⁵⁴ Att. 89, Pgs. 16-18. There was no disciplinary action for the third SPAR.

COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. In mitigation, COPA notes Officer Toledo’s relatively short time with CPD at the time of this incident.

Approved:



May 31, 2025

Shannon Hayes
Acting Deputy Chief Administrator

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	May 10, 2024 / 2:00 a.m. / 1500 South St. Louis Avenue, Chicago, IL 60623
Date/Time of COPA Notification:	May 10, 2024 / 11:34:36 a.m.
Involved Officer #1:	Natalie Vera, Star #17307, Employee ID# [REDACTED] Date of Appointment: November 4, 2022, Unit of Assignment: 010, Female, Hispanic
Involved Officer #2	Evelyn Ruiz, Star #11457, Employee ID# [REDACTED] Date of Appointment: February 28, 2022, Unit of Assignment: 010, Female, Hispanic
Involved Officer #3	Estafany M. Ramos, Star #14711, Employee ID# [REDACTED] Date of Appointment: March 28, 2022, Unit of Assignment: 010, Female, Hispanic
Involved Officer #4	Conrad Kulik, Star #8127, Employee ID# [REDACTED] Date of Appointment: December 27, 2022, Unit of Assignment: 011, Male, White
Involved Officer #5	Fernando D. Toledo, Star #10445, Employee ID# [REDACTED] Date of Appointment: December 2, 2022, Unit of Assignment: 011, Male, White
Involved Officer #6	Cole Fraim, Star #13098, Employee ID# [REDACTED] Date of Appointment: August 31, 2022, Unit of Assignment: 010, Male, White
Involved Officer #7	Yanni P. Melidones, Star #3188, Employee ID# [REDACTED] Date of Appointment: December 2, 2022, Unit of Assignment: 011, Male, White
Involved Officer #8	Damian A. Alfaro, Star #11258, Employee ID# [REDACTED] Date of Appointment: October 25, 2021, Unit of Assignment: 010, Male, White
Involved Individual #1:	[REDACTED] Female, Black
Involved Individual #2	[REDACTED] Male, Black

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 37:** Failure to identify.
- Rule 38:** Unlawful or unnecessary use or display of a weapon

Applicable Policies and Laws

- U.S. Const. amend. IV.
- Illinois Constitution, art. I, sec. 6.
- G02-01: Protection of Human Rights (effective June 30, 2022)
- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023)
- S04-13-09: Investigatory Stop System (effective: July 10, 2017)
- D19-01 Firearm Pointing Incidents (effective November 1, 2019)

Appendix B

Definition of COPA’s Findings and Standards of Proof

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.⁵⁵ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”⁵⁶

⁵⁵ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

⁵⁶ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse / Use of Profanity
- Failure to Identify